

Department of Environment and Natural
Resources



Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Division Director

DIVISION OF WASTE MANAGEMENT

February 8, 2002

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Robert J Waldrop, Vice President
ReUse Technology, Inc
665 Molly Lane, Suite 100
Woodstock, Georgia 30189

Post-it® Fax Note	7671	Date	2/8/2002	# of pages	2
To	Bob Waldrop	From	Ben Barnes		
Co./Dept.	Reuse Tech	Co.			
Phone #		Phone #	919-571-4700		
Fax #	770-577-9689	Fax #			

Re: Reuse Technology "Swift Creek" Coal Combustion By-Product (CCBP) Structural Fill Located in Nash County on Highway 301 Near Rocky Mount

Dear Mr. Waldrop:

This letter concerns the current status of the above referenced facility (here after referred to as the Swift Creek site). This being based on written correspondence between ReUse Technology, and the Division and the meeting held at the Division on January 22, 2002. This meeting was attended by Division staff Bill Hocutt, Jim Barber, myself, you and Attorney William A. White serving as legal council for ReUse Technology.

In a letter December 19, 2001, you were requested by January 28, 2002, to submit a plan illustrating actions that ReUse Technology intends to take that will result in this facility being brought into compliance with the November 11, 1991 agreement. You responded on January 10, 2002, with a letter that did not furnish the requested information and proofs, but instead stated your belief that the facility was substantially in compliance with the November 11, 1991 agreement. A letter dated January 16, 2002 stated the Division's positions to you on the points raised in your January 10, 2002 letter and stated that operations on the December 13, 2001 submittal were not to commence until the conditions stated in the December 19, 2001 letter have been met. During the January 22, 2002, meeting in Raleigh you offered documentation that the Swift Creek Site was in compliance with some but not all of the requirements of the November 11, 1991, agreement and the December 19, 2001 letter. The primary issue not dealt with in your documentation was the construction and location of the concrete pipe.

Mailing Address: 1628 Mail Service Center, Raleigh, NC 27699-1628
Phone: (919)571-4700

Location: 3800 Barrett Drive
FAX: (919)571-4718

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Mr. Waldrop
February 8, 2002
Page 2

Installing the reinforced concrete pipe in the wetland feature and then covering it with ash was not done in accordance with the November 11, 1991 plan, even though you claimed that this is an Army Corps of Engineers approved method. The construction plan approved by the Division in November of 1991 showed this feature protected by a buffer. In addition, the end of this pipe nearest the highway is buried. The top of the other end of the pipe is visible, but the bottom is under water. No detectable flow can be confirmed by observation alone.

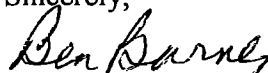
A timetable extension of 45 days from the original January 28 deadline is being granted for the purpose of completing the following items, including chemical testing of any samples taken.

Therefore, by March 14, 2002 ReUse Technology must:

- 1) Establish if there is off-site flow, or if the water in the pipe is due to a back-up from the adjacent wetlands.
- 2) If the source of the water in the pipe is identified to be from on-site, then the contents need to be analyzed for contaminants to determine if any violate the groundwater 2L protection standards.
- 3) If samples are to be taken, contact The Division so that DENR personnel may be present in order to obtain split samples.
- 4) Bring the Swift Creek site into compliance with any other conditions stated in the November 11, 1991, agreement that have not been met.
- 5) Formulate the required plan described in the December 19, 2001 letter including a list of corrective measures, a time table for each phase and a deadline date for bringing this facility into compliance with the November 11, 1991 agreement.

Note: If the water in the pipe is generated on site, a NPDES Permit may be required.

Sincerely,



Ben Barnes
Waste Management Specialist
Solid Waste Section
Raleigh Regional Office

cc: Jim Coffee, Acting Section Chief
Mark Fry, Eastern Area Supervisor
Jim Barber, Eastern Area Engineer

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